

Re: 9th circuit Case #11-99013

Mr. Francis G. Hernandez
C-69900 3-EB-107
San Quentin, CA 94974

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U.S. COURT OF APPEALS

AUG 14 2015

Federal Public Defener's Office
Attn: Attorney, Margo Racconi
Central District of Calif.
321 East 2nd. Street
Los Angeles, CA 90012-4202

FILED _____
DOCKETED _____
DATE _____ INITIAL _____

RE: CONFLICT OF INTEREST

Dear Ms. Racconi;

Please accept this notification that I am declaring a conflict of interest with you and your office.

As you are aware the record in this case was certified by the trial court, accepted by the California Supreme Court, and then sent to the appellate attorney to be fabricated and re-certified by the trial court judge through stipulated agreements. This appellate process violates my rights to Due Process, Equal Protection of Law, and illegally forced me into an appeal. Counsel's failure to challenge the incomplete, inaccurate trial court record with a motion to vacate was a violation of my guaranteed constitutional rights to effective appellate advocacy, and fair and adequate appellate review. Hence, all capital appellate attorneys who have represented me from the time the record was certified illegally, have failed in their responsibility to expedite this dispositive claim.

Any attorney who has represented me and failed to expedite this objection to the fabricated record, cannot now raise the claim without subjecting me to a procedural default for failure to raise the claim in a timely manner.

I have filed a Motion to vacate and Motion for full and complete discovery, as well as a Motion in support of the Motion to vacate. Those motions are now before the California Supreme Court. You are on notice that anything you file in this case from this day forward is perfunctory, unauthorized and prolongs my involuntary servitude, and will be viewed as a fraud upon the court for financial gain.

I have noticed you and the court of this conflict of interest. Until this conflict and the motion to vacate is resolved, there is nothing else to discuss.

Thank you for your cooperation in this matter.

Sincerely,

Francis G. Hernandez

Francis Gerard Hernandez

Date: August, 12, 2015

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Automatic Appeal #5004559

L.A. County Superior Court # A022813